



PATENT
7586/PD3033

#33
M.Q.J
12/8/99

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

SMITH et al.

Serial No: 08/392,934

Filed: 10/28/96

For: IMMUNOREACTIVE PEPTIDES
FROM EPSTEIN-BARR VIRUS

Art Unit: 1644

Examiner: Ron Schwadron, Ph.D.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Assistant Commissioner for Patents
Washington D.C. 20231, on

November 29, 1999

Date of Deposit

Wei-ning Yang

Name

Signature

11/29/99
Date

RESPONSE TO RESTRICTION REQUIREMENT

Box Non-Fee

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Restriction Requirement dated October 27, 1999, Applicants elect for prosecution the first peptide in claim 1.

The Examiner indicated that claims 1, 31, 34 and 36 are generic to a plurality of disclosed patentably distinct species comprising the four different peptides recited in claim 1 and required applicants to elect one of the four peptides.

In response to the Examiner's election requirement, the applicants hereby elect first peptide, [XETFTETWNRFITHTEY]_n, reserving the right to file divisional applications directed to non-elected peptides and claims 2-30, 32, 33 and 35. The elected claims 1, 31, 34 and 36 read on the elected species.

In view of all of the above, examination of the present application on the merits is respectfully requested.

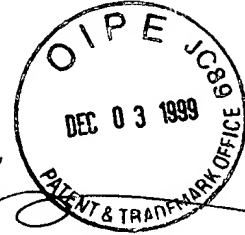
Respectfully submitted,

LOEB & LOEB LLP

Date: November 29, 1999

By: 

Wei-ning Yang
Registration No. 38,690
Attorney for Applicant(s)



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Assistant Commissioner for Patents
Washington, D.C. 20231

TECH CENTER 1600/2900

Dear Sir:

Transmitted herewith is a Response to Restriction Requirement in the above-identified application.

- ☐ Small entity status of this application under 37 C.F.R. §§ 1.9 & 1.27 has been established by a verified statement previously submitted.
- ☐ A verified statement to establish small entity status under 37 C.F.R. §§ 1.9 & 1.27 is enclosed.
- ☐ A certified copy of ___ Patent Application No. ___ filed ___ from which priority is claimed under 35 U.S.C. § 119 is enclosed.
- ☒ No additional fee is required.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA*	LG/SM \$ ENTITY FEE	ADD'L FEE DUE
TOTAL CLAIMS FEE	36	-	36 **	0	LG=\$18 SM=\$9	\$0
INDEPENDENT CLAIMS FEE	1		3 ***	0	LG=\$78 SM=\$39	\$0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$260 SMALL ENTITY FEE = \$130	\$0
TOTAL						\$0

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

- ☐ A check in the amount of \$___ to cover the additional claims fee is enclosed. **A copy of this sheet is enclosed.**
- ☐ A check in the amount of \$___ to cover the extension fee is enclosed. **A copy of this sheet is enclosed.**
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 12-1820. **A copy of this sheet is enclosed.**
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,

LOEB & LOEB LLP

By: Wei-ning Yang
Registration No. 38,690
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Date: November 29, 1999

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